IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO. 163 of 2005

Between:

N.Hanmanth Rao S/o.Sriram
Vide Staff No.E-057474, APSRTC, Adilabad R/o.4-9-584, Rikshaw Colony
Gandhinagar, Adilabad District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC Adilabad, District Adilabad.
2 The Divisional Manager, APSRTC Adilabad, District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction, or issue an appropriate writ, more particularly one in the nature of writ of Certiorari, quash the order passed by the respondent No.1 herein removing the petitioner from his service Vide Proc.No.01/114(03)/99-ADB, Dt.11.1.2005 calling the records pertaining to it and declaring it as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India, and against the APSRTC Employees (Conduct) Regulations and APSRTC Employees (CCA) Regulations; and to pass any such other order or orders.

Counsel for the Petitioner:MR.S.CHANDRASEKHAR

Counsel for the Respondent Nos.1 and 2: SMT.P.RAJANI REDDY

The Court at the admission stage made the following Order:

By proceedings dated 11.01.2005, the first respondent removed the petitioner from service with immediate effect. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submits that even though the petitioner has availed the remedy of appeal to the second respondent against the impugned proceedings, since some legal aspects have been raised in this writ petition, the writ petition is maintainable.

Learned Standing Counsel appearing the respondent-Corporation opposed the same and submitted that the petitioner has already availed the remedy of appeal to the second respondent against the impugned proceedings dated 11.01.2005 passed by the first respondent and the same is pending consideration.

In view of the same, the petitioner cannot be permitted to prosecute two parallel remedies in respect of the same proceedings.

In view of the facts and circumstances of the case, I feel it appropriate to dispose of the writ petition directing the second respondent to consider and dispose of the

appeal filed by the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

19.01.2005

Note:CC in three days

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To

1 The Depot Manager, APSRTC Adilabad, District Adilabad.
2 The Divisional Manager, APSRTC Adilabad, District.

3. Two CD copies.